

ST. LOUIS REQUESTER SERVICE CENTER



August 26, 2013

Michael Morisy
MuckRock News
Dept. MR 6425
P.O. Box 55819
Boston, MA 02205-5819

RE: FOIA Case No. 2013-FPRO-00919

Dear Mr. Morisy:

This responds to your Freedom of Information Act (FOIA) request, dated August 4, 2013, in which you seek access to a digital copy of the United States Postal Service Law Department's internal database of claims filed against the United States Postal Service for damage, injury or death.

The Freedom of Information Act (FOIA), 5 USC §552, is a records and document statute. Identification of the record(s) desired is the responsibility of the requester. The FOIA (5 U.S.C. 552(a)(3)(A)) requires the requester to reasonably describe the records being sought. A description is considered reasonable if it permits an agency employee who is familiar with the subject area to locate the requested records with a "reasonable" amount of effort. It is the requester's responsibility to frame requests with sufficient particularity to ensure that searches are not unreasonably burdensome, and to enable the searching agency to determine precisely what records are being requested.

After consultation with responsible officials in the Law Department, it has been determined that your request is so broad in scope that it would be unreasonable to comply with it in its current form. The Law Department conducted a cursory search and found that there are at least 85,393 potentially responsive entries in its database that includes tort claims. We note that your request did not limit the search for documents to a particular time frame and it does not specify the particular type of claim information you are seeking. Before we can process your request, we suggest that you provide us a description of the records sought which should include a date range, as well as the depth and quality of the particular information you are seeking. Such a description will ensure responsible use of postal resources to satisfy your right to access while minimizing assessable search costs.

We note that in your letter you ask to be treated as a news media representative "as part of the public information service at MuckRock.com" and you request that fees be waived. Although you submitted your request through MuckRock.com, a website which serves as a request proxy, you have not demonstrated how you are actively gathering news for an entity that disseminates news to the public.

In response to your request for a waiver of fees, USPS regulations governing the waiver of fees (section 265.9(g)(3) of Title 39, Code of Federal Regulations) permit waiver of a fee when it is determined that furnishing the records is deemed to be in the public interest because it is likely to contribute significantly to public understanding of the options or activities of the federal government and is not primarily in the commercial interest of the requester. A fee waiver request

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must describe all of the following: how the information will be used; to whom it will be provided, including the public; how the public is to benefit from the disclosure; any personal or commercial benefit that the requester expects from disclosure; and the intended user's identity, qualifications, and expertise in the subject. You have not fully explained how the information will be used, how the public is to benefit from the disclosure, or your qualifications or expertise in the subject.

Therefore, we consider that you are within the category of "other requesters" as defined by Postal Service FOIA fee regulations. This category applies to requesters who are not commercial use requesters, educational or scientific requesters, or news media requesters.

Regarding fees under the FOIA, fair and equitable fees are established to permit the furnishing of records to the public, while recovering costs incurred by the Postal Service. The cost is calculated in accordance with our fee regulations at section 265.9 of Title 39, Code of Federal Regulations, which permit us to charge requests of "other requesters" search time at the rate of \$32.00 per hour and 15 cents per page for duplication, after providing the first two hours of search time and the first 100 pages at no charge. In addition, our regulations require that requesters be notified in advance of all costs expected to exceed \$25.00 if they have not indicated their willingness to accept costs that may be incurred in processing their request.

In this case, the Law Department estimates that it could take 3 days to two weeks to extract the requested data from the database and export it into another program. We estimate that the preliminary cost estimate for searching and downloading the data that you are currently seeking to be \$768 to \$2,560. However, many if not all of the entries in that database will include personal information of the individuals who have filed claims against the United States Postal Service and that information is protected from disclosure by the Privacy Act, or otherwise inappropriate from disclosure under 5 U.S.C.(b)(6), and the entries may also contain information that is exempt from disclosure under 5 U.S.C.(b)(5) and whose disclosure would harm the interests of the United States Postal Service. Therefore, all of the responsive entries in the database will need to be reviewed, and the review time in question will result in assessment of an additional \$32 per hour.

As an alternative, we suggest you consider narrowing the scope of your request. In order to respond to your request, it would be helpful to know the specific type of record you are seeking. For instance, you could limit the search of documents by using a combination of the following: a date range, a particular type of tort claim, claims from a specific geographical location, etc.

Consequently, given that your request cannot be processed as formulated, we plan to take no further action and incur no chargeable costs to you unless we hear back from you. If we do not hear back from you within 14 calendar days from the date of this letter, we will close out this request. After that date, you may submit a new FOIA/PA request.

If you consider this response to be a denial of your request, you may administratively appeal by writing to the General Counsel, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington DC 20260-1135, within 30 days of the date of this letter. The letter of appeal should include a statement about the action or failure to act being appealed, the reasons why it is believed to be erroneous, and the relief sought, along with copies of your original request, this letter, and any other related correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Brittany Lindsay".

Brittany Lindsay
Records Request Liaison